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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/576,166

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Ronaldus Maria Aarts

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

LEE, MICHAEL

ART UNIT

PAPER NUMBER

2622

MAIL DATE

DELIVERY MODE

03/02/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<i>Office Action Summary</i>	Application No.	Applicant(s)	
	10/576,166	AARTS ET AL.	
	Examiner	Art Unit	
	M. Lee	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2008.
- 2a) ☒ This action is FINAL.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 101*

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 12 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

In claim 12, the term “record carrier” can be interpreted as an electromagnetic wave carrier which is considered a non-statutory subject matter. In order to be patentable, a computer program or instruction code must be stored on a tangible object, such as computer readable media. In addition, since this is a computer code claim, there is no computer code claimed. The method being referred to is not a computer code.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4, and 10-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Ono (7,119,851).

Regarding claim 1, Ono discloses an image processing apparatus showing a first real-time rendering step (16), a non-real-time rendering step (28,32), and a multiplexing step (22). Figure 6A also shows a display screen that displays the two renderings. The video stream stored in the hard disk drive (HDD) is considered non-real-time. In addition, the stored video can be played back in fast forward mode according to the remote controller in Figure 2. When playing back in this mode, some of the frames are skipped.

Regarding claims 2-4, see Figure 6A.

Regarding claim 10, see audio decoder 28.

Regarding claim 11, see rejection to claim 1.

Regarding claims 12 and 13, see Figures 4 and 5.

*Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ono (7,119,851).

Regarding claims 5-9, Ono does not disclose the bars and indicators as claimed. The examiner takes Official Notice that using bars and indicators to index a video playback is well known in the art because they provide playback status information to a viewer. This enables the viewer to know how much of the video playback time is

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remaining. Hence, it would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Ono to include the bars and indicators into the display screen as shown in Figure 6A so that the viewer could anticipate how much playback time is remaining.

*Response to Arguments*

6. Applicant's arguments filed 12/3/08 have been fully considered but they are not persuasive.

Applicant's amendment to claim 12 still has not overcome the 101 rejection because it claims a signal or the record carrier, which does not belong anyone of the statutory subject matters. Thus, the 101 rejection is maintained.

In considering applicant's argument that Ono does not teach "providing a video signal for display of a stream of video data at a rate other than real time" as claimed, the examiner disagrees. The video stream reproduced from the HDD 30 can be controlled by the remote control 52, which has fast forward and fast reverse key functions (86, 90), for producing video stream at a non-real time rate, such as fast forward or fast reverse.

In considering applicant's argument that Ono does not teach "real-time rendering of non-contiguous segments of the stream of video data comprising multiple subsequent frames to a first rendered stream" as claimed, the examiner disagrees. The broadcast image stream to image decoder 18 in Ono is rendered in real-time. It clearly meets the limitation as claimed.

In considering applicant's argument that Ono does not teach "non real-time rendering of the stream of video data by rendering pre-determined non-subsequent

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frames at a speed other than real-time to a second rendered stream” as claimed, the examiner disagrees. The video stream reproduced from the HDD 30 can be controlled by the remote control 52, which has fast forward and fast reverse key functions (86, 90), for producing video stream at a non-real time rate, such as fast forward or fast reverse.

In view of foregoing arguments, it is clear that Ono is capable to perform both real-time and non real-time video rendering operations. Hence, the rejection still stands.

#### *Claim Objections*

7. Claim 13 is objected to because of the following informalities: The term “execute the method” can be misleading because “execute” normally ties with “computer instructions” not “a method”. “A method” is normally being “performed”, not “executed”. Appropriate correction is required.

#### *Conclusion*

8. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Lee whose telephone number 571-272-7349. The examiner can normally be reached on Monday through Thursday from 9 to 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran, can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/M. Lee/  
Primary Examiner  
Art Unit 2622